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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 13-1882 (RNBx) Date December 12, 2013

Title Suncoast Nova LLC v. Vera

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Remanding Action to the Superior Court of the State of California for the County of Orange

On December 3, 2013, defendant Patty Vera ("Vera") removed this case from the Superior Court of the State of California for the County of Orange on the basis of federal question jurisdiction, 28 U.S.C. § 1331. (Notice of Removal, Docket No. 1.) Vera contends that the underlying suit is based on 12 U.S.C. § 5201. (Notice of Removal, 7.) While the Complaint references the federal statute, it is not a basis for recovery but rather a recognition of a defense which the plaintiff denies. The Court must determine jurisdiction on the basis of the case removed. The underlying action is an unlawful detainer action. No federal claims are asserted which would establish federal question jurisdiction under 28 U.S.C. § 1331. Federal defenses or federal counterclaims provide no basis to remove an action which does not otherwise establish federal jurisdiction. See Franchise Tax Board of State of Cal. v. Construction Laborers Vacation Trust, 643 U.S. 1, 10 (1983); Metro Ford Truck Sales, Inc. v. Ford Motor Co., 145 F.3d 320, 326-27 (5th Cir. 1998). There is no basis for federal question jurisdiction.

There is no basis for jurisdiction under the diversity statute, 28 U.S.C. § 1332, because it is apparent that the amount of relief sought is less than the jurisdictional minimum of \$75,000. The face of the underlying unlawful detainer complaint states that the amount of claimed damages is less than \$10,000. (Complaint, p. 1.) Indeed, all that is sought is rent.

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The Court cannot discern any other basis for jurisdiction over the unlawful detainer action.

On the Court's own motion, the case is remanded to the Superior Court of the State of California for the County of Orange for lack of jurisdiction.

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